

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JOEL CRUZ-FIGUEROA
Plaintiff(s)

v.

UNITED STATES OF AMERICA
Defendant(s)

CIVIL NO. 05-1440 (JAG)

ORDER

It has been established that federal prisoners cannot rely on United States v. Booker, -U.S.-, 125 S.Ct. 738, 769 (Jan. 12, 2005) to collaterally attack the sentence imposed. Accordingly, and for the reasons set forth in the decision to deny Cruz-Figueroa's petition for habeas corpus (Docket No. 2), the Court hereby **DENIES** the Motion for Certificate of Appealability (Docket No. 4).

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 17th day of May, 2005.

S/Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge